

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BARRY C. HONIG, et al.,	:	
	:	
Plaintiffs,	:	
v.	:	
	:	20 Civ. 5872 (AKH)
JOHN DAVID HANSEN and GREGORY P.	:	
HANSON,	:	
	:	
Defendants.	:	

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GRANDER HOLDINGS, INC., et al.,	:	
	:	
Plaintiffs,	:	20 Civ. 8618 (AKH)
v.	:	
	:	

JOHN DAVID HANSEN and GREGORY P.	:	<b><u>ORDER GRANTING MOTION</u></b>
HANSON,	:	<b><u>TO STRIKE</u></b>
	:	
Defendants.	:	

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ALVIN K. HELLERSTEIN, U.S.D.J.:	

On August 9, 2021, I dismissed two related actions, 20-cv-5872 (the “Honig Case”) and 20-cv-8618 (the “Grander Case”) for lack of subject matter jurisdiction and granted leave “to replead an adequate basis of complete diversity of citizenship no later than 20 days from this order.” ECF No. 103. On August 26, 2021, and August 30, 2021, the plaintiffs in the Honig case and Grander case filed their second amended complaints. *See* Honig Case, ECF No. 104, Grander Case, ECF No. 34. Defendants John David Hansen and Gregory Hanson now move to strike the second amended complaints, alleging that Plaintiffs’ amendments exceeded the scope of my previous order. The motion is granted.

1. The jurisdictional defects identified in the Honig First Amended Complaint (“FAC”) have not been cured. The complaint only contains allegations regarding the residency of the parties, not of their citizenship;
2. No leave was granted to amend the complaints in any other respect. The amendments made to the Second Amended Complaints in both cases addressed more than the citizenship of the parties and made significant changes to the substance of the complaints, and, in the case of the Grander Complaint, included two new causes of action. Plaintiffs may not bypass a motion seeking leave to replead.

The Second Amended Complaints are hereby stricken. Plaintiffs shall file amended complaints, strictly conforming to my previous order and curing the jurisdictional defects within 5 days of this order. If cured, the Court will then proceed to address motion to dismiss the FAC. If not cured, the issue is academic and the complaint will be dismissed. The clerk is instructed to strike ECF No. 104 in 20-cv-5872 and ECF No. 34 in 20-cv-8618 and to terminate the open motion, ECF No. 106 in 20-cv-5872.

SO ORDERED.

Dated: September 14, 2021  
New York, New York

/s/ Alvin K. Hellerstein  
ALVIN K. HELLERSTEIN  
United States District Judge